

STATE OF MICHIGAN
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

HON. M. T. THOMPSON, JR.
Judge, 70th District Court
Saginaw, MI 48602

FORMAL COMPLAINT NO. 72
MASTER: Hon. Lawrence Glazer

EXAMINER'S PROPOSED FINDINGS OF FACT

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Dated: January 26, 2004

PROPOSED FINDINGS OF FACT

I

Respondent Knowingly and Intentionally Made Numerous Personal Solicitations To Fund and Advance A Program He Was Developing

1. At all relevant times, Judge M.T. Thompson (“Respondent”) was a judge of the 70th District Court in Saginaw, Michigan, subject to all the duties and responsibilities imposed on him by the Michigan Supreme Court, and subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205.

2. During the period of 1997 to 1998, Respondent began developing a middle school crime prevention program called “Making Choices and Facing Consequences.” (**Answer, par. 1, Exhibit 65 and Volume 5, am, 772, Thompson**)

3. In December 1998 Respondent completed his initial proposal, entitled “The Proposal for the Establishment of a Middle School Crime Prevention Initiative,” (**Volume 1, 35, Thompson**) which he sent to over fifty (50) educators, criminal justice system professionals, and other opinion leaders. He also met with numerous individuals and groups to discuss his proposal. (**Answer, par. 1, Exhibit 65 and Volume 1, 35, Stipulation**)

4. On May 21, 1999, Respondent sent a letter on official 70th District Court stationery to the Saginaw Community Foundation (“SCF”) by which he established a fund entitled “Middle School Crime Prevention Initiative,” also known as “Making Choices and Facing Consequences Fund - Middle School Crime Prevention Initiative” for receiving donations to fund his projects. (**Exhibit 1 and Volume 5, pm, 903 – 909, Thompson**)

5. Respondent had complete control and sole access to the fund, which he used to finance various projects and programs, including, but not limited to, the scripting and

editing of “Making Choices and Facing Consequences” workbooks and videos for which he holds a copyright, an Anti-Bullying program, promoting his program in various brochures, promoting himself through advertisements for events such as the United States Air Force Strolling Strings, and presenting the Zion Puppet Warriors puppet show, a program affiliated with Respondent’s church. **(Volume 5, pm, 908 – 911, Thompson)**

6. In 2000, Respondent completed his initial set of program materials for “Making Choices and Facing Consequences,” including three workbooks and two videos for which he obtained copyrights. **(Answer, par. 2)**

7. Respondent presented his programs at the Michigan Association of School Boards meeting in Frankenmuth on July 20, 2001 and on Mackinac Island on August 24, 2001. He received \$1,000 for speaking at each event. **(Answer, par. 5)**

8. As early as 1999, State Court Region III Administrator Bruce Kilmer warned Respondent that as a judge he could not solicit money. **(Volume 2, 283 – 285, 295 – 296, 313 – 315, 344, Kilmer)**

9. Bruce Kilmer kept a written note in his file regarding his warning to Respondent not to engage in any solicitation of funds. **(Volume 2, 295, Kilmer)**

10. Notwithstanding the proscription contained in Canon 5 of the Code of Judicial Conduct against soliciting funds and the specific, personal warning Respondent received from Bruce Kilmer, Respondent personally solicited funds repeatedly, as reflected in the following paragraphs.

11. On December 3, 2001, Respondent wrote a letter on 70th District Court stationery to Terry Pruitt, Manager, State Public Affairs, Dow Corning Corporation, requesting

that Dow Corning contribute \$5,000 toward his anti-bullying campaign. **(Exhibits 18 and 65 and Answer, par. 7)**

12. In response, on December 11, 2001, Ms. Anne DeBoer of Dow Corning Corporation sent a check in the amount of \$5,000 to the SCF for Respondent's Middle School Crime Prevention Initiative fund, and that amount was credited to the fund. **(Exhibits 19 and 65)**

13. On December 3, 2001, Respondent wrote a letter on 70th District Court stationery to Pete Shaheen, Horizons Conference Center, confirming Mr. Shaheen's oral agreement to contribute more than half the total cost of the Saginaw Bar Association's Annual May 2, 2002 Law Day Banquet. **(Exhibit 17 and Answer, par. 8)**

14. On January 24, 2002, Respondent wrote Helen M. James, Assistant Vice President & Trust Officer, Citizens Bank Trust Administrative Committee, on 70th District Court stationery, to formally apply for a grant in the amount of \$10,000 to finance two activities he wished to initiate, an anti-bullying campaign packet of materials and an anti-bullying puppet show. **(Answer, par. 9 and Exhibits 22 and 65)**

15. On January 30, 2002, Respondent personally went to Citizens Bank, signed a receipt and picked up the check, made out to SCF in the amount of \$10,000.00 for Respondent's "anti-Bullying Campaign," and that amount was credited to his fund. **(Exhibits 23 and 24)**

16. Respondent telephoned John A. Decker, Esq., from Saginaw's largest law firm, Braun Kendrick Finkbeiner P.L.C., to personally solicit a contribution to present an anti-bullying puppet show developed by Respondent and a group from his church, the Zion Puppet Warriors. **(Answer, par. 11, and Volume 1, Stipulation)**

17. On January 7, 2002, Respondent wrote a letter to John Decker on official 70th District Court stationery, following up on the telephone conversation and asking that his law firm donate \$3,000 to underwrite the cost of an anti-bullying puppet production. **(Exhibit 27 and Answer, par. 12)**

18. On February 4, 2002, John Decker, Esq., forwarded a check in the amount of \$1,000 from his law firm to Respondent at the 70th District Court, which was credited to his SCF account. **(Exhibit 28)**

19. On February 6, 2002, Respondent wrote Lucy Allen President and CEO, Saginaw Community Foundation, and asked her to deposit the \$1,000 check “into my Making Choices and Facing Consequences account.” **(Exhibit 29)**

20. On February 12, 2002, Respondent again wrote a letter on 70th District Court stationery to Terry Pruitt at Dow Corning Corporation, in which he personally solicited Dow Corning to sponsor or co-sponsor his presentation of the Red, White and Blue Concert at Saginaw Valley State University by the United States Air Force Orchestra’s Strolling Strings which would cost approximately \$10,000. **(Exhibit 20)**

21. On March 13, 2001, Terry Pruitt personally donated the amount of \$4,000 by credit card to Respondent’s Making Choices and Facing Consequences Fund – Middle School Crime Prevention Initiative, and that amount was credited to the fund. **(Exhibit 21)**

22. In January of 2002, Respondent personally solicited a contribution from Delphi Saginaw. **(Exhibits 25, 26 and 65)**

23. On January 22, 2002, Bethany Bernthal, Delphi Saginaw, Public Affairs Division, sent a check in the amount of \$5,000 to Respondent for his Making Choices and Facing

Consequences Fund – Middle School Crime Prevention Initiative and that amount was credited to his SCF fund. **(Exhibits 25, 26 and 65)**

24. On February 12, 2002, Respondent wrote a letter to Pat Sutton on 70th District Court stationery, after telephoning Dr Larry Hazen, to request that Anderson Eye Association sponsor or co-sponsor his presentation of the Red, White and Blue Concert at Saginaw Valley State University by the United States Air Force Orchestra's Strolling Strings which would cost approximately \$10,000. **(Exhibits 35A and 65)**

25. On February 15, 2002, Respondent followed up with a letter thanking Anderson Eye Associates for agreeing to contribute \$2,500 and directing that the check be made payable to the Saginaw Community Foundation. **(Exhibit 35B)**

26. On February 25, 2002, Anderson Eye Associates forwarded a check in the amount of \$2,500 to Respondent's SCF fund and that amount was credited to the fund. **(Exhibit 36)**

27. On February 12, 2002, Respondent wrote a letter to Terry Niederstadt, executive Vice President and Regional Retail Executive of Citizens Bank, on 70th District Court stationery, to request that Citizens Bank sponsor or co-sponsor his presentation of the Red, White and Blue Concert at Saginaw Valley State University by the United States Air Force Orchestra's Strolling Strings which would cost approximately \$10,000. **(Exhibit 31)**

28. On February 15, 2002, Respondent sent a follow-up letter with which he enclosed a description of two different military bands and the estimates for both. **(Exhibit 32)**

29. On March 6, 2002, Helen James of Citizens Bank sent a check in the amount of \$6,000 for the Red, White and Blue Concert, which was credited to Respondent's SCF fund. **(Exhibits 33 and 34)**

30. Respondent's admitted solicitations generated \$33,500 which was "deposited" into his Saginaw Community Foundation fund, a fund over which Respondent had sole control, as well as a discount of over \$2,500 by Horizons Conference Center for the 2002 Law Day Banquet. Testimony by Respondent and others also established Respondent received \$15,000 in 1999 from two sources, but the Examiner was not permitted to inquire how he obtained those contributions.* **(Answer, paragraphs 6 – 9, 11 – 12, 15 – 20, Volume 1, 39 – 48, Stipulations, Volume 3, 411, Mr. Thomas and Volume 5, am, 793, Thompson)**

31. Respondent repeatedly used official 70th District Court stationery to personally solicit donations to produce and implement his programs as well as for business correspondence pertaining to the production of his materials. **(Answer, par. 6)**

32. Respondent also wrote letters on 70th District Court stationery concerning work for his projects and donations to fund them to other individuals and companies, including, but not limited to, Lucy Allen, President and CEO of the Saginaw Community Foundation, Mary Princing of Princing & Ewend, and Paul Pecora and Lori Maxson of Bresnan Communications. **(Answer, par. 20)**

33. Respondent had brochures prepared featuring his anti-bullying program and the Saginaw Bar Association Law Day **(Volume 1, 43, Stipulation)** without the approval of the Saginaw Bar Association Board.

34. In addition to soliciting donations from Anderson Eye Associates and Citizens Bank, Respondent also solicited Dow Corning Corporation and Delphi Automotive

* The Examiner had evidence Respondent's solicitations actually generated over \$60,000 in contributions to his fund, including solicitations he never revealed to Bruce Kilmer or the Commission. The Master denied the Examiner's motion to amend the complaint and would not permit the Examiner to make a separate record concerning the additional solicitations.

Systems to underwrite the cost of having the United States Air Force Orchestra's Strolling Strings come to Saginaw for a benefit concert. **(Answer, par. 17)**

35. Respondent's name and judicial status were prominently featured at the top of advertisements for the benefit concert: "Honorable M.T. Thompson, Jr., 70th District Court presents: The United States AIR FORCE STRINGS . . . Join Judge Thompson and the Strolling Strings as we celebrate America!" Respondent was also listed, with his court address and telephone number, as the contact person for further information about the program. **(Answer, par. 18)**

36. Respondent solicited contributions to finance some of the events and activities involved in his Making Choices and Facing Consequences program, his anti-bullying campaign, and/or law day activities, including but not limited to the Zion Puppet Warriors anti-bullying puppet show, from Citizen's Bank Trust Department, Dow Corning Corporation, Delphi Automotive Systems (G.M.), Braun Kendrick Finkbeiner P.L.C., and Horizons Conference Center. **(Answer, par. 19)**

37. Respondent's defense and testimony that he did not know it was wrong to solicit money is belied by his own testimony that he had had read the Code of Judicial Conduct and knew judges were prohibited from soliciting money for campaigns or for personal use. (Volume 5, pm, 893 – 894 and 951) as well as the testimony of Bruce Kilmer, who warned him against soliciting money in 1999. **(Volume 2, 283 – 285, 295 – 296, 313 – 315, 344, Kilmer)**

II

Respondent Misrepresented To Various Individuals and Entities That The State Court Administrative Office, Michigan Judicial Institute and Michigan Department of Education Had Agreed To Co-sponsor Or Co-endorse Respondent's Program

**When They Had Not So Agreed Nor Had They Authorized
Him To Make A Public Declaration Of That Nature**

38. On March 12, 2001, State Court Administrator John Ferry, Jr. (“John Ferry”), Michigan Judicial Institute Director Kevin Bowling (“Kevin Bowling”), and Bruce Kilmer met with Respondent to hear about his “Making Choices and Facing Consequences” project pursuant to his request. **(Volume 1, 81, *Ferry*; Volume 3, 359, *Bowling*; Volume 5, am, 791, *Thompson*, Answer, par. 3 and Exhibit F, page 2)**

39. On April 20, 2001, John Ferry, Kevin Bowling and Michigan Department of Education Assistant Superintendent Donald Weatherspoon (“Don Weatherspoon”), met to further discuss and explore his program. **(Volume 3, 377, *Bowling*; Volume 5, am, 799, *Thomson*, and Answer, par. 3)**

40. Both the March 12 and April 20 meetings were preliminary discussions that did not result in any definite resolutions. **(See Volume 1, 88, 91 – 92, *Ferry*; Volume 3, 380 – 382, *Bowling*; Volume 4, 565, *Weatherspoon*)** The purpose of the April 20 meeting was to see if they could go further and whether Respondent’s program was worth pursuing. **(*Id. Weatherspoon*)**

41. At the April 20 meeting it was decided there would be continued discussions to explore ways the program might be used in schools. There many issues to be resolved, and studies and tests to be carried out before an accurate evaluation of Respondent’s program could be made. John Ferry and Don Weatherspoon both had several concerns. **(Volume 3, 423 – 424, *Bowling*, and Volume 4, 568, *Weatherspoon*)**

42. The parties decided to regroup in July after some of the studies and tests were conducted to determine the viability of the program and possibly consider issuing a joint letter. **(Volume 3, 423 – 425, *Bowling*)**

43. Ignoring that decision, Respondent sent a letter to the parties on April 29, 2001, enclosing a copy of his proposed draft joint letter, a matter that was not to be considered until July. **(Exhibit 64)**

44. In July, 2001, Respondent completed the first draft of an anti-bullying program called “Bully-proof,” a stand-alone program, and decided to conduct a campaign to introduce his program to the educational community. **(Answer, par. 4, Volume 5, 856, *Thompson*)**

45. John Ferry never agreed to endorse or sponsor Respondent’s “Making Choices and Facing Consequences” program, or any other program of Respondent’s. **(Volume 1, 91 – 92, 99, 158, *Ferry*)**.

46. Bruce Kilmer never agreed to sponsor, co-sponsor, or endorse “Making Choices” or any program Respondent was engaged in, nor did he tell Respondent he would sponsor, co-sponsor, or endorse “making Choices” or any program Respondent was engaged in. **(Volume 2, 286, *Kilmer*)**

47. Kevin Bowling never agreed to sponsor, co-sponsor, endorse, fund or assist with funding “Making Choices” or any other program Respondent was engaged in. **(Volume 3, 357, 381, 387 – 388, 421 – 423, *Bowling*)**

48. Dr. Weatherspoon explained there was an “agreement” to move forward and further explore how the program could be implemented and utilized, but had never agreed to anything specific and further that the Department of Education was not prepared to move

forward without the involvement of the State Court Administrator's Office or the Judicial Institute. **(Volume 4, 573 – 575, *Weatherspoon*)**

49. Dr. Weatherspoon did not agree to anything specific with regard to implementing the programs and did not agree to any financial support. **(Volume 4, 576, *Weatherspoon*)**

50. At the Michigan Association of School Boards meeting on Mackinac Island in August 2001, Dr. Weatherspoon made some extemporaneous remarks after being singled out by Respondent. **(Volume 4, 580 – 581, 606, *Weatherspoon*)** Dr. Weatherspoon did not suggest the Department of Education had committed to any financial sponsorship, did not state it had agreed to do anything with Respondent, or even that Respondent's program was going to materialize, but did advise it was impressed by the program and was supportive of it. **(Volume 4, 581 – 582, 606, *Weatherspoon*)**

51. Dr. Weatherspoon stated his name could *not* be used in connection with any fundraising attempts. **(Volume 3, 476, 478 – 479, *Bowling* and Exhibit ff, Separate Record)**

52. Dr. Weatherspoon testified that as of August 27, 2001, the date of the letter Respondent sent to him **(Exhibit H)**, the Department of Education had not agreed to sponsor Respondent's programs, financially, that the Department had not offered to make any type of joint public declaration with regard to the programs and had not agreed to do anything on behalf of the programs. **(Volume 4, 584, *Weatherspoon*)**

53. Respondent himself testified that the program was "dying," and that he had no further contact with John Ferry, Kevin Bowling or Dr. Weatherspoon regarding this

matter after the letters he sent on August 27, 2001. (**Volume 5, pm, 931 - 832, Thompson and Exhibits G and H**)

54. Respondent's "mistake of fact" defense concerning his misrepresentations is further belied by the fact that as of August 27, 2001, it was evident from Respondent's query in his letter to John Ferry and Kevin Bowling, "Will the State Court Administrator's Office and the Michigan Judicial Institute issue a joint press release formally endorsing the program and announcing its plans to co-sponsor the program?" and his follow-up question "Please advise," (**Exhibit G**) that he did not know if the two entities were going to endorse or co-sponsor the program. Silence on the part of the recipients made it abundantly clear they *were not* going to issue a joint press release formally endorsing the program and announcing plans to co-sponsor it.

55. Similarly, Respondent's August 27, 2001 letter to Dr. Weatherspoon contained several requests for information. (**Exhibit H**) Dr. Weatherspoon never replied (**Volume 4, 583, Weatherspoon**) and Respondent testified he had no further contact with John Ferry, Kevin Bowling or Dr. Weatherspoon concerning the program after the letters he sent on August 27, 2001. (**Volume 5, pm, 932, Thompson**)

56. In spite of the fact that none of the entities or their individual representatives had agreed to sponsor or co-sponsor, or even endorse Respondent's program and that the last contact was a letter he sent them on August 27, 2001 (**Exhibits G and H**), Respondent misrepresented in letters to Justice Weaver (**Exhibit hh**) and Chief Justice Maura Corrigan (**Exhibit ii**) on October 29, 2001, and in letters to Justice Marilyn Kelly (**Exhibit jj**) and Justice Young (**Exhibit kk**) on December 7, 2001 that the Michigan Department of Education, the Michigan Supreme Court acting through the State Court Administrative Office,

and the Michigan Judicial Institute agreed to jointly sponsor “Making Choices and Facing Consequences” as a pilot program in ten to fifteen school districts throughout Michigan.

57. In spite of the fact that none of the entities or their individual representatives had agreed to sponsor or co-sponsor, or even endorse Respondent’s program and that the last contact was a letter he sent them on August 27, 2001 **(Exhibits G and H)**, Respondent sent a three-page solicitation letter to John A. Decker, Esq., on January 7, 2002, in which he misrepresented: “The Michigan Department of Education, the State Court Administrator’s Office and the Michigan Judicial Institute have agreed to jointly sponsor Making Choices and Facing Consequences as a pilot program in 10-15 school districts throughout Michigan.” **(Exhibit 27)**

58. In spite of the fact that none of the entities or their individual representatives had agreed to sponsor or co-sponsor, or even endorse Respondent’s program and that the last contact was a letter he sent them on August 27, 2001 **(Exhibits G and H)**, Respondent sent a three-page letter to Helen M. James, Citizens Bank, in which he misrepresented: “The Michigan Department of Education, the State Court Administrator’s Office and the Michigan Judicial Institute have agreed to jointly sponsor Making Choices and Facing Consequences as a pilot program in 10-15 school districts throughout Michigan.” **(Exhibit 22)**

59. In his letter to John A. Decker Respondent also misrepresented that it was the “Saginaw County Bar Association’s ‘formal request’ that Braun Kendrick Finkbeiner P.L.C. assist with our 2002 Law Day effort by underwriting the cost of our elementary school anti-bullying puppet production” when the Saginaw County Bar Association had neither authorized nor had knowledge of Respondent’s solicitation made purportedly on its behalf. **(Exhibit 27)**

60. The Saginaw County Bar Association Board never authorized any solicitation for any particular project relating to Law Day, with the understanding that under the umbrella of Law Day various law firms would contribute funds for various projects. **(Volume 4, 645, Kable)**

61. The Saginaw County Bar Association Board was not aware of a puppet show, did not authorize the solicitation of funds, and did not authorize support for an Air Force Orchestra Show in April 2002. **(Volume 4, 644 – 647, Kable)**

IV

Respondent Failed to Cooperate With the Commission's Preliminary Investigation

62. On February 3, 2003, the Commission staff sent Respondent a letter that included a request for copies of his “Making Choices and Facing Consequences” and “Bullyproof” program/materials.

63. On February 6, 2003, Respondent telephoned the Commission Executive Director and objected to the request.

64. On February 20, 2003, Respondent sent a letter directed to the Executive Director in response to the staff's February 3, 2003 letter. He provided some additional information but refused to provide the materials, asserting they were irrelevant to the allegations of misconduct.

65. On March 20, 2003, Respondent was sent a subpoena requesting he provide the previously requested materials by March 31, 2003. He failed to comply until July 30, 2003, after he retained counsel. **(Answer, par. 24 and Volume 1, 50, Stipulation)**

PROPOSED CONCLUSIONS OF LAW

The standard for finding misconduct in judicial disciplinary proceedings is a preponderance of the evidence. *In re Ferrara*, 458 Mich 350, 360 (1998); *In re Jenkins*, 437 Mich 15, 18 (1991), *In re Loyd*, 424 Mich 514, 522 (1986). That standard was met in Formal Complaint No. 72 as the Examiner clearly proved the allegations by a preponderance of the evidence. The proofs also established additional misconduct on the part of Respondent including, but not limited to, additional unreported solicitations and ignoring a specific warning from Respondent's Region III State Court Administrator not to solicit money. Therefore the Master should reach the following legal conclusions:

1. Respondent engaged in a pattern of misconduct that consisted of numerous willful, direct and improper personal solicitations to obtain funding for various educational projects he had engaged in.

2. Respondent abused the prestige of his judicial office, including the use of official 70th District Court stationery, to personally solicit contributions to further his own programs, one of which was copyrighted. The Michigan Supreme Court has found appropriation of court services, facilities, equipment and other court materials to be judicial misconduct. *In re Cooley*, 454 Mich 1215 (1997).

3. Respondent misused his judicial office for personal advantage or gain, and for the advantage and gain of another (such as the group from Respondent's church, the Zion Puppet Warriors, who accumulated props and costumes through donations, and received a free lunch and free advertising that could lead to other jobs);

4. Respondent misrepresented that he had obtained sponsorship of his programs by the State Court Administrative Office, the Judicial Institute, and the Department of Education to bolster his solicitations and interest in his projects.

5. Respondent failed to cooperate with reasonable requests made by the commission during its investigation and gave several vague, less than candid answers during the hearing. Failure to cooperate by giving testimony “so unnecessarily vague as to hinder the proceedings” constitutes conduct that significantly interferes with the administration of justice. *In re Ferrara*, 458 Mich 350, 371 (1998).

6. Canon 5B(2) of the Code of Judicial Conduct specifically proscribes the individual solicitation of funds by a judge: “A judge should not individually solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of the office for that purpose...”

7. In 1999, the Region III State Court Administrator, Bruce Kilmer, specifically warned Respondent not to solicit money for his programs.

8. Notwithstanding the proscription contained in Canon 5 of the Code of Judicial Conduct against soliciting funds and the specific, personal warning Respondent received from Bruce Kilmer, Respondent repeatedly solicited funds personally and directly.

9. Respondent’s proven misconduct, described in the Examiner’s written closing argument and summarized in the Examiner’s Proposed Findings of Fact, constitutes:

- (a) Misconduct in office as defined by Michigan Constitution 1963, Article VI, §30 as amended, and MCR 9.205, as amended;
- (b) Conduct clearly prejudicial to the administration of justice as defined by the Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended, and MRPC 8.4(c);

- (c) Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved as described in the Code of Judicial Conduct, Canon 1;
- (d) Impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;
- (e) Failure to conduct oneself at all times in a manner the promotes public confidence in the integrity of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;
- (f) Abuse of the prestige of office to advance personal business interests in violation of the Code of Judicial Conduct, Canon 3C;
- (g) Participation in civic and charitable activities that detract from the dignity of office or interfere with performance of judicial duties, in violation of Canon 5B;
- (h) Individual solicitation of funds, in violation of Canon 5B(2);
- (i) Misuse of the prestige of judicial office including misuse of court resources such as official 70th District Court letterhead to solicit funds, and for personal advantage or gain, and for the advantage or gain of another, in violation of Canon 5B(2) and MCR 9.205(B)(1)(e);
- (j) Engaging in financial and business dealings that tend to reflect adversely on the judge's impartiality or judicial office, in violation of Canon 5(C)(1);
- (k) Failure to fully cooperate with an investigation by the Commission by refusing to provide requested materials and refusing to comply with a subpoena, in violation of MCR 9.205(B)(1)(f) and MCR 9.208(B);
- (l) Conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, which reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of Rule 8.4 of the Rules of Professional Conduct; and
- (m) Conduct that is prejudicial to the administration of justice, contrary to MCR 9.104(1); exposes the legal profession or courts to obloquy, contempt, censure or reproach, contrary to MCR 9.104(2); is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); and violates standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).

The Respondent has engaged in judicial misconduct, and he has brought disrepute not only to his office, but to the judiciary as a whole. It is not the Master's role to make any pronouncements on possible discipline. Rather, it will be for the Judicial Tenure Commission to recommend an appropriate sanction, and for the Supreme Court to impose what is proper.

By: _____
Paul J. Fischer (P 35454)
Examiner

Anna Marie Noeske (P 34091)
Associate Examiner

Dated: January 26, 2004

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